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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 21 2016

SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10
11 UNITED STATES OF AMERICA,)
12)
13 Plaintiff,) NO: 2:15-CR-0082-RMP-2
14)
15 vs.)
16)
17 DANIEL F. DULL,) **PRE-TRIAL DIVERSION AGREEMENT**
18)
19 Defendant.)

20 **I. PRE-TRIAL DIVERSION AGREEMENT**

21 It is alleged by an Indictment filed on August 18, 2015, in Cause Number
22 2:15-CR-0082-RMP-2, that DANIEL F. DULL committed the following offenses
23 against the United States in the Eastern District of Washington:

24 **COUNT 1**

25 That beginning on or about October 7, 2014, and continuing through on or
26 about December 17, 2014, in the Eastern District of Washington, LEROY H.
27 GONZALEZ, and DANIEL F. DULL, Defendants herein, did knowingly and
28 intentionally distribute a mixture or substance containing a detectable amount of

1 oxycodone hydrochloride, an opiate and Schedule II controlled substance, listed at
2 21 U.S.C. § 812(c), specifically in the form of pills containing oxycodone
3 hydrochloride, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2.

4 It appears, however, after a comprehensive investigation of the offense and
5 that of DANIEL F. DULL's background, that the interests of the United States and
6 DANIEL F. DULL's own interests, and the interests of justice, will be best served
7 by the following procedure, therefore:

8 On the authority of the Attorney General of the United States, by MICHAEL
9 C. ORMSBY, United States Attorney for the Eastern District of Washington, and
10 Jared C. Kimball, Assistant United States Attorney for the Eastern District of
11 Washington, prosecution in this District for these offenses shall be deferred for a
12 period of thirty-six (36) months from the date of the filing of this Agreement,
13 provided that you abide by the following conditions and the requirements of the
14 Pre-Trial Diversion program set out in detail below.

16 Should you violate any conditions of this supervision, the United States
17 Attorney or his designee may revoke or modify any conditions of this Pre-Trial
18 Diversion program or change the period of supervision for an additional period
19 which shall in no case exceed twelve (12) months from the original termination
20 date of the diversion agreement. The United States Attorney may release you from
21 supervision at any time. The United States Attorney may at any time within the
22 period of your supervision reinstate prosecution for the underlying offenses should
23 you violate any of the conditions of this supervision and will furnish you with
24 notice specifying the conditions of your program which you have violated.

26 If, upon successful completion of the program and your period of
27 supervision, a Pre-Trial Diversion report is received to the effect that you have
28 complied with all the rules, regulations and conditions above mentioned, the

1 United States will move to dismiss, with prejudice, the charges for the above
2 described offenses.

3 Neither this Agreement nor any other document filed with the United States
4 Attorney as a result of your participation in the Pre-Trial Diversion Program will
5 be used against you in connection with any prosecution for the above described
6 offenses or be provided to any other person or entity other than the United States
7 Attorney's Office, United States District Court, and the United States Probation
8 Office without Court order or as otherwise required by law.
9

10 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

11 1. You shall not commit a violation of any law (federal, state and local).
12 This condition shall not apply to simple moving (traffic) infractions. You
13 shall immediately contact your diversion supervisor if arrested and/or
14 questioned by any law enforcement officer.

15 2. You shall consistently be enrolled and achieving passing grades in
16 college/graduate school or be employed at a lawful occupation.

17 3. You shall continue to live in the Eastern District of Washington. If
18 you desire to move out of the district, you shall obtain permission from your
19 diversion supervisor so that the appropriate transfer of program
20 responsibility can be made prior to your intended relocation.

21 4. You shall report to your diversion supervisor as directed and shall
22 keep him/her informed of your whereabouts. The diversion supervisor will
23 determine the frequency and manner of such reporting.

24 5. You shall not possess, control and/or consume any controlled
25 substance without a valid prescription nor possess items commonly used for
26 the consumption of such substances (drug paraphernalia), or be in any place
27 where such substances are located, controlled and/or consumed. For
28 purposes of this diversion agreement, you are agreeing that marijuana is a

1 controlled substance under Federal Law and you agree further that you will
2 not use marijuana or seek a prescription for medical marijuana while under
3 the terms of this diversion agreement.

4 6. You shall submit a sample for urinalysis for controlled substances at
5 the request and discretion of your diversion supervisor.

6 7. You shall testify truthfully if called as a witness at any state or federal
7 court proceeding.

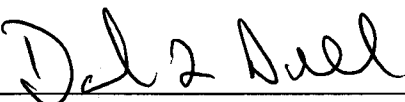
8 8. You shall consent to a search of your person and/or residence upon
9 request of the diversion supervisor.

10 9. You shall obtain a drug/alcohol dependency evaluation and follow all
11 treatment recommendations.
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13
14 I, DANIEL F. DULL, assert and certify that I am aware of the fact that the
15 Sixth Amendment to the Constitution of the United States provides that in all
16 criminal prosecutions the accused shall enjoy the right to a speedy and public trial.
17 I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure
18 provides that the Court may dismiss an indictment, information, or complaint for
19 unnecessary delay in presenting a charge to the Grand Jury, filing an information,
20 or in bringing a defendant to trial. I hereby request that the United States Attorney
21 for the Eastern District of Washington defer any prosecution of me for violations
22 of 18 U.S.C. §§ 841 and 846, as described herein, for a period of thirty-six (36)
23 months, and to induce him to defer such prosecution I agree and consent that any
24 delay from the date of this Agreement to the date of the initiation of the
25 prosecution, as provided for in the terms expressed herein, shall be deemed to be a
26 necessary delay at my request and I waive any defense to such prosecution on the
27 ground that such delay operated to deny my rights under Rule 48(b) of the Federal
28 Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the

1 United States to a speedy trial or to bar the prosecution by reason of the running of
2 the statute of limitations for the effective period of this Diversion Agreement.


3 I hereby state that the above has been read by me and explained to me by my
4 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I
5 will comply with them fully.
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9
10 DEFENDANT
11 DANIEL F. DULL
12

01.21.16
DATE

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14 
15 JOHN R. CROWLEY
16 Attorney for DANIEL F. DULL

01.21.16
DATE

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18 JARED C. KIMBALL
19 Assistant United States Attorney
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1.21.16
DATE

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23 U.S. PROBATION OFFICER
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01.21.16
DATE

1
2 APPROVED without passing judgment on the merits or wisdom of this diversion.
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4
5  1/21/16
6 HONORABLE ROSANNA MALOUF PETERSON DATE

7 Chief United States District Court Judge
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